UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 July 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>29-48</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>29-48</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

     1.☐ Certified copies of the priority documents have been received.

     2.☐ Certified copies of the priority documents have been received in Application No. _____.

     3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: The Amendment filed 07/30/08.

2.   All previous rejections to the claims remain.

3.   Claims 29-48 remain pending in the case. Claims 29, 37, and 46 are independent claims.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 46 and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Mateos

(US-2003/0050995 03/13/03).

        -In regard to independent claim 46, Mateos teaches a server comprising:

        a management module configured to generate dynamic data (Paragraph 13: "dynamic

information from the server");

        a file system storing a web page that had both a first embedded object configured to

access the dynamic data and a second embedded object configured to merge the dynamic data

with the web page (Paragraphs 29-30: "web pages...example of a web page"), wherein the first

embedded object is executable on a client remote from the server to request the dynamic data

(Paragraph 28; Paragraphs 55-59: "browser interprets the HTML tags...a table with the dynamic

data information retrieved from the database of the server computer...display of the web page on

the client computer is then split into two distinct and consecutive steps…browser is responsible

for executing these instructions, in order to display the dynamic information...script implements

the Model that holds the dynamic information being manipulated…template implements the

View, which manages the graphical and/or textual display of the dynamic information to the

user").

-In regard to dependent claim 47, Mateos teaches wherein the second embedded object

was executable on a client remote from the server to merge the dynamic data with the web page

(Paragraph 30: i.e. example web page rendered at the client browser; Paragraph 56: "view

section"; Paragraphs 57-60: "browser interprets the HTML tags").

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 29-43 are rejected under 35 U.S.C. 103(a) as being unpatentable Mateos (US-

2003/0050995 03/13/03) in view of Pettersen (US-6,826,594 11/30/04)

-In regard to independent claim 37, Mateos teaches a method of displaying a web page,

comprising:

requesting at least a frame (Paragraphs 28, 54-56) of a web page (Paragraphs 29-30:

"web pages...example of a web page") from a managed server (Paragraph 28: "server…delivers

corresponding web pages"), wherein the frame comprised a first embedded object (Paragraph 30:

i.e. "identifying script written in JavaScript");

     receiving the frame from the managed server (Paragraph 56-59);

     requesting data (Paragraph 13: "Paragraph 57: "dynamic information") corresponding to

the first embedded object from a managed server after receiving the frame from the managed

server (Paragraphs 56-59: "denote the piece of information to be put in each cell...result of the

document.write JavaScript command");

     receiving the data corresponding to the first embedded object (Paragraphs 56-59); and

     merging the data corresponding to the first embedded object into the frame (Paragraph

30: i.e. example web page rendered at the client browser; Paragraph 56: "view section";

Paragraphs 57-60: "browser interprets the HTML tags").

     Mateos does not specifically teach wherein the requesting of the data corresponding to

the embedded Javascript code, was requested from the server after receiving the frame from the

managed server. Pettersen teaches wherein different types of dynamic content may be placed in

pre-designated web page areas or zones (equivalent to frames)(column 4, lines 12-14) and that

once the web page with the pre-designated web page or zones was received, the dynamic content

was then retrieved from the server via a embedded JavaScript function from the server (column

4, lines 8-28; column 8, lines 5-30 & 55-67; column 9, lines 1-45)(Fig. 2). It would have been

obvious to one or ordinary skill in the art at the time of the invention for the embedded

JavaScript code of Mateos to have requested the dynamic information from the server after the

embedded code had been retrieved by the client, because Pettersen teaches that the flexibility

provided by the dynamic content in accordance with said techniques provides the advantage of

being able to adjust to dynamically changing conditions (column 11, lines 32-39: "advantage").
In this way Mateos would have been the provided the benefit of further separating the dynamic
content creation from the defined content layout.

       -In regard to dependent claim 38, Mateos teaches comprises displaying a frame
(Paragraph 56-57: "table with the dynamic information retrieved from the database of the server
computer is displayed on the client computer").

       -In regard to dependent claim 39, Mateos teaches evaluating the frame to identify a
source tag of the embedded object (Paragraph 56: "denote the piece of information to be put in
each cell...result of the document.write JavaScript command")

       -In regard to dependent claim 40, Mateos teaches dynamic data from a management
module of the server (Paragraph 29: "retrieve dynamic information requested by the user";
Paragraph 57: "dynamic information retrieved from the database of the server computer").

       -In regard to dependent claim 41, Mateos teaches wherein the dynamic data was
generated at run in response to the request for data corresponding to the embedded object
(Paragraph 3: "download and display information whose content changes each time it is provided
by the server computer"; Paragraph 13: "requesting, by the client computer, the dynamic
information from a server computer of the network").

-In regard to dependent claim 42, Mateos teaches wherein the data corresponding to the first embedded object comprises a scripting language function (Paragraph 55: "tag identifying a script written in the JavaScript language")

-In regard to dependent claim 43, Mateos teaches wherein the frame could comprises a plurality of embedded objects linked to dynamic data in the managed server, and wherein the scripting language function was configured to merge the dynamic data with the frame (Paragraph 30: i.e. example web page rendered at the client browser; Paragraph 56: "view section"; Paragraphs 57-60: "browser interprets the HTML tags").

-In regard to independent claim 29, Mateos teaches a method for serving data from a managed server, comprising:

serving a web page (Paragraphs 29-30: "web pages...example of a web page") to a requesting computer (Paragraph 13: "requesting, by the client computer") from a managed server (Paragraph 28: "server...delivers corresponding web pages"), the web page comprising a source call (Paragraphs 29-30 & Paragraph 55) to an object file (Paragraph 55-56), wherein the requesting computer was remote from the managed sever (Fig. 2: 125c & 125s);

receiving a request from the requesting computer to the managed sever for the object file (Paragraph 57-59) ;

populating the object file in real-time with data from a management module of the managed server (Paragraph 3: "download and display information whose content changes each

time it is provided by the server computer"; Paragraph 13: "requesting, by the client computer,

the dynamic information from a server computer of the network");

serving the object file to the requesting computer after populating the object file

(Paragraphs 57-59).

Mateos does not specifically teach wherein the requesting of the data corresponding to

the embedded Javascript code, was requested from the server after receiving web page from the

managed server. Pettersen teaches wherein different types of dynamic content may be placed in

pre-designated web page areas or zones (equivalent to frames)(column 4, lines 12-14) and that

once the web page with the pre-designated web page or zones was received, the dynamic content

was then retrieved from the server via a embedded JavaScript function from the server (column

4, lines 8-28; column 8, lines 5-30 & 55-67; column 9, lines 1-45)(Fig. 2). It would have been

obvious to one or ordinary skill in the art at the time of the invention for the embedded

JavaScript code of Mateos to have requested the dynamic information from the server after the

embedded code had been retrieved by the client, because Pettersen teaches that the flexibility

provided by the dynamic content in accordance with said techniques provides the advantage of

being able to adjust to dynamically changing conditions (column 11, lines 32-39: "advantage").

In this way Mateos would have been the provided the benefit of further separating the dynamic

content creation from the defined content layout.

-In regard to dependent claim 30, Mateos teaches wherein populating the object file

comprises populating the object file with a scripting function (Paragraph 30: i.e. note coded web

page; Paragraph 55: "script written in JavaScript").

-In regard to dependent claim 31, Mateos teaches wherein the scripting function was JavaScript (Paragraph 55: "script written in JavaScript").

-In regard to dependent claim 32, Mateos teaches wherein populating the object file comprise populating the object file with an array of data (Paragraph 29: "assigns the value of a record (or field) extracted from the database"; Paragraphs 30-59).

-In regard to dependent claim 33, Mateos teaches wherein populating the object file comprises acquiring real-time data indicative of a current status of a server (Paragraph 3: "download and display information whose content changes each time it is provided by the server computer"; Paragraph 13: "requesting, by the client computer, the dynamic information from a server computer of the network").

-In regard to dependent claim 34, Mateos teaches wherein populating the object ifle comprises providing a language localization file (Paragraph 60: "includes a field defining the language of the strings"; Paragraphs 63 & 66).

-In regard to dependent claim 35, Mateos teaches serving the web page configured for a client computer which included a CPU, a storage memory, and RAM (Paragraph 23). Mateos does not specifically teach wherein the web page was configured for a handheld or palmtop computer platform. It would have been obvious to one of ordinary skill in the art at the time of

the invention for the client computer of Mateos to have been a handheld or palmtop computer for

receiving the web pages, because PDA's, palmtops, and handhelds were notoriously well known

in the art at the time of the invention as web computing devices that provided the benefit of

mobile web accesses. Additionally, Mateos teaches distributing the web page in HTML format

(Paragraph 28), which was notoriously well known in the art at the time of the invention to be

visualized by hand held or palmtop interfaces for the purpose of determining the layout and style

of displayed web content.

   -In regard to dependent claim 36, Mateos teaches serving the web page and dynamic

data across the Internet (Paragraphs 3-4, 13, & 22: "Internet"). Mateos does not specifically

teach when serving the web page, comprised serving a web page across a firewall. It would have

been obvious to one of ordinary skill in the art at the time of the invention for the web page of

Mateos to have been sent across a firewall, because it was notoriously well known in the art at

the time of the invention that firewalls provided the advantage of increased network security by

enforcing restrictions on certain users and data.

8.   Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable Mateos (US-

2003/0050995 03/13/03) in view of Pettersen (US-6,826,594 11/30/04) in further view of Chen

(US-6,021,437 02/01/00).

   -In regard to dependent claim 44, Mateos teaches a desire to provide the generated

dynamic content from the server each time the content was requested by the client (Paragraph 3:

"download and display information whose content changes each time it is provided by the server

computer"; Paragraph 13: "requesting, by the client computer, the dynamic information from a

server computer of the network"). Mateos does not specifically teach wherein the data

corresponding to the embedded object comprises current time and the dynamic data gathered at

the managed server at the current time. Chen teaches wherein a client request for dynamic data

of a managed server was requested, gathered, and delivered for display at the current real-time

(Abstract; column 2, lines 31-67, column 4, lines 10-19). It would have been obvious to one of

ordinary skill in the art at the time of the invention for the dynamic data of Mateos to have been

created at a current real-time as disclosed in Chen et al, because Chen et al teach said process

provides a simple, effective, and inexpensive to implement way for real-time monitoring of data

(column 2, lines 31-38).

9.   Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pettersen Mateos

(US-2003/0050995 03/13/03) in view of Pettersen (US-6,826,594 11/30/04) in further view of

Lynch et al (US-6,823,319 11-2004).

        -In regard to dependent claim 45, Mateos teaches merging the dynamic data into the

zones or areas defined by the scripts in the HTML document (Paragraph 55-60). Mateos does

not specifically teach populating a drop-down menu with a dynamic data menu item. Lynch et al

teach utilizing static HTML as well as a script to populate a drop-down menu with menu items

for display to a user (column 7, lines 1-8). It would have been obvious to one of ordinary skill in

the art at the time of the invention for the scripted dynamic content of Mateos to have populated

a drop-down menu, because Lynch taught that said method saves time by creating the dynamic

data from previously entered data (column 2, lines 8-24; column 7, lines 1-15).

10.   Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mateos (US-

2003/0050995 03/13/03) in view of "Compaq Remote System Management for Industry-

Standard Servers", Compaq Computer Corporation, Technology Brief, September 2001

(Hereafter "Compaq").

-In regard to dependent claim 48, Mateos does not teach a lights-out management

module for the server. Compaq teach a providing a lights-out management module for a

managed server (Page 8: "Lights-Out Technology"). It would have been obvious to one of

ordinary skill in the art at the time of the invention for Mateos to have operated a lights-out

management module for said managed server, because Compaq taught that a lights-out

management module maximized efficiency (Paragraph 3: Introduction) by enabling IT

administrators to be virtually present at the sever, as though they were actually standing in front

of it, which allowed administrators the ability to control the system for anywhere at any time

through a standard browser (Pages 8-9).

Response to Arguments

11.   Applicant's arguments filed 07/30/08 have been fully considered but they are not

persuasive.

        -In regard to independent claim 46, Applicant argues that Mateos does not teach or

suggest a first embedded object that is executable on a client remote form the server to request

the dynamic data. The Examiner respectfully disagrees. Mateos clearly teaches a first embedded

object, executable on a client remote from the server, to request the dynamic data (Paragraph 28;

Paragraphs 55-59: "browser interprets the HTML tags...a table with the dynamic data

information retrieved from the database of the server computer...display of the web page on the

client computer is then split into two distinct and consecutive steps...browser is responsible for

executing these instructions, in order to display the dynamic information...script implements the

Model that holds the dynamic information being manipulated...template implements the View,

which manages the graphical and/or textual display of the dynamic information to the user").

The Examiner notes that as currently claimed in independent claim 46, the client and executable

object need only be remote from the server. The first executable object does not necessarily

have to request the dynamic information <u>from</u> the server, but only that it requests dynamic data

generated/retrieved from the server. Thus even if the dynamic data was already retrieved from

the server and placed within the HTML file sent to the user's browser, the server data was clearly

then requested by the embedded script object (Paragraphs 56 & 57).

     -In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992). In this case, Mateos teaches a system for delivering dynamic web pages with dynamic

content retrieved from a web server at the time the web page was requested. Pettersen teaches a

method for providing web pages with dynamic content, wherein the dynamic content delivered in

a web page could be modified without modifying the source code of the web page and wherein

with the flexibility provided by the dynamically generated content, the web page could be

dynamically rearranged or regenerated so as to take advantage of dynamically changing

conditions (column 11, lines 1-39). Thus Pettersen provides an advantage of more easily being

able to change the overall layout and presentation of the dynamic data on the web page in view

of the pre-stored view templates of Mateos. The advantages of the Pettersen reference would

also provide the dynamic web pages of Mateos the ability to retrieve dynamic data from a

plurality of different content severs over a network. In the instant case, the combination of said

references would in general be an obvious replacement variation between two different well

known methods of creating/delivering dynamic data in web pages.

      -Applicant further argues that the references teach away from the proposed combination.

The Examiner respectfully disagrees with the Applicant. The Mateos reference clearly teaches

retrieving dynamic data from the same server that provides the web page in which the data was

to be inserted (Paragraphs 73-74). Pettersen has only been relied upon to teach that a well

known way of requesting information from a server to be incorporated into a web page was for

said web page to include an embedded object for requesting said information. The Pettersen

reference does not preclude the dynamic content to be delivered from the same server as taught

in Mateos. Pettersen also teaches wherein the dynamic content server computer could be the

same as the dynamic content host computer (column 5, lines 10-16). The section to which the

Applicant relies, column 2, lines 32-40, deals with cost/payment accounting and is not

considered relevant to the general concept of dynamic information retrieval.

      -In regard to independent claims 29 and 37, Applicant argues that neither Mateos nor

Pettersen teach serving a web page to a requesting computer from a managed sever and receiving

a request from the requesting computer to the managed server for the object file. The Examiner

respectfully disagrees. As described above, Mateos clearly teaches serving a web page to a

requesting computer from managed server (Paragraphs 28-29 & 55-58). Mateos also clearly

teaches a request for a server populated object file, but does not teach wherein the request was

made after the web page had been received. Thus Mateos teaches requesting the file/information

from the same server that delivered the web page. As discussed above, Pettersen has been relied

upon to teach an additional well known method of receiving dynamic data over a network.

Pettersen taught that once a requested web page had been received at the client an embedded

code was utilized to request dynamic data from a server to be incorporated into said web page.

Conclusion

12.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121.

The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Adam L Basehoar/
Primary Examiner, Art Unit 2178